



STATE OF TENNESSEE  
DEPARTMENT OF ENVIRONMENT AND CONSERVATION  
DIVISION OF WATER POLLUTION CONTROL  
401 CHURCH STREET  
L&C ANNEX 6th FLOOR  
NASHVILLE, TN 37243-1534

June 9, 2008

Billy Tropp D/B/A Billy Tropp  
P.O. Box 63  
Via Pico Plaza - Suite 544  
San Clemente, California 92672

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**  
**RECEIPT # 7005 0390 0006 6036 0401**

Subject: DIRECTOR'S ORDER NO. WPC08-0129  
PEREGRINE HEIGHTS SUBDIVISION  
BILLY TROPP D/B/A BILLY TROPP  
HENDERSON COUNTY, TENNESSEE

Mr. Billy Tropp:

Enclosed is a Director's Order and Assessment of Civil Penalty issued by Paul E. Davis, Director of the Division of Water Pollution Control, under the delegation of Commissioner James H. Fyke. Read the Order carefully and pay special attention to the NOTICE OF RIGHTS section.

If you or your attorney has questions concerning this correspondence, contact me at (615) 532-0675.

Sincerely,

A handwritten signature in blue ink, reading "Mark Jordan", is positioned above the typed name.

Mark Jordan  
Enforcement and Compliance Section

cc: WPC-J- EFO, Chris Bridges  
Enforcement File  
Office of General Counsel



**TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION  
DIVISION OF WATER POLLUTION CONTROL  
DIRECTOR'S ORDER & ASSESSMENT  
WPC CASE No. WPC08-0129**

Respondent: Billy Tropp D/B/A Billy Tropp  
P.O. Box 63  
San Clemente, California 92672

The Tennessee Department of Environment and Conservation, Division of Water Pollution Control, conducted an inspection of the Peregrine Heights Subdivision site in Henderson County on March 27, 2008. It was discovered that the Respondent had violated the requirements of the Tennessee General NPDES Permit for Discharges of Storm Water Associated with Construction Activities, Permit Tracking No. 0, (hereinafter referred to as CGP) and the *Tennessee Water Quality Control Act*, Tennessee Code Annotated (T.C.A.) Section 69-3-101 *et seq.* (hereinafter the "Act") as indicated below:

☒ Failed to obtain permit coverage (T.C.A. 69-3-108(b) and 114(b)) ☐ Unauthorized non-storm water discharge (CGP Sec. 1.2.3 and/or T.C.A. 69-3-114(a)) ☐ Failed to post the NOC on site (CGP Sec. 3.3.2) ☐ Failed to have a copy of SWPPP or permit available on site (CGP Sec. 5.2) ☐ an incomplete SWPPP (CGP Sec. 3.5) ☐ a SWPPP that was not current (CGP Sec. 3.4.1) ☐ EPSC measures not in accordance with SWPPP (GP Sec. 3.5.1) ☐ EPSC measures not properly maintained (CGP Sec. 3.5.3.1e) ☐ Disturbed greater than 50 acres at one time (CGP Sec. 3.5.3.1k) ☐ Failed to retain buffer zone, where applicable (CGP Sec. 4.4.2) ☐ Failed to have a certified inspector after June 17, 2007 (CGP Sec. 3.5.8.1) ☐ Failed to retain sediment on site (CGP Sec. 3.5.3.1a and/or T.C.A. 69-3-114(a)).

When the Commissioner finds that provisions of the Act are not being complied with, he or she is authorized by T.C.A. Section 69-3-109 to issue Orders for correction. Further, Sections 69-3-115 and 69-3-116 give the Commissioner the authority to assess damages and civil penalties against any person who violates the Act. Pursuant to T.C.A. 69-3-107(13), the Commissioner may delegate to the Director of the Division of Water Pollution Control any of the powers, duties, and responsibilities of the commissioner under the Act.

**WHEREFORE, RESPONDENT IS HEREBY ASSESSED A CIVIL PENALTY OF \$2,500.00**

**1. If the Respondent waives the right to appeal this Order and Assessment, as provided below, said assessed penalty is payable as follows:**

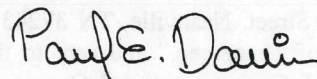
- A. \$1,250.00 shall be paid to the Division within thirty (30) days after this Order is received, and
- B. The remaining \$1,250.00 balance shall be paid to the Division **if, and only if**, another Notice of Violation, addressing a violation at the subject location, is issued by the Division within twelve months immediately following the issuance of this Order and Assessment. In that event, the \$1,250.00 balance shall be paid to the Division within thirty (30) days of the Respondent's receipt of the Notice of Violation. Further, in that event, the Division reserves the right to assess additional penalties and to take any and all other enforcement actions that it deems necessary.

**2. If the Respondent fails to pay the amount set out in paragraph 1.A or fails to return the signed Waiver of Right to Appeal within thirty (30) days after receiving this Order and Assessment, subject to the rights to appeal, the full amount of the assessed penalty, \$2,500.00, is due and payable to the Division within thirty (30) days of the Respondent's receipt of this Order and Assessment.**

This Order and Assessment is not to be construed as a waiver of any provision of the law or regulations, including but not limited to, future enforcement for violations of the Act and Regulations which are not charged as violations in this Order and Assessment.

**Issued** this 9th Day of June, 2008 on behalf of James H. Fyke, Commissioner of the Tennessee Department of Environment and Conservation.

BY:



Paul E. Davis, P.E.,  
Director, Division of Water Pollution Control

**SEE OTHER SIDE---SEE OTHER SIDE---SEE OTHER SIDE---SEE OTHER SIDE**